

E-Filed 5/3/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

THE BANK OF NEW YORK,

Plaintiff,

v.

MARIO LOPEZ,

Defendant.

Case Number C 10-1261 JF (PVT)

ORDER¹ REMANDING ACTION

March 25, 2010, Defendant Mario Lopez ("Defendant") filed a notice of removal of the above-entitled action against him. On the same date, Defendant filed an application to proceed *in forma pauperis*. On April 2, 2010, the Court denied the application without prejudice. In the month since the Court issued that order, Defendant has failed to pay the filing fee. Accordingly, the action is remanded to the Santa Clara Superior Court.

IT IS SO ORDERED.

Dated: May 3, 2010


JEREMY FOGEL
United States District Judge

¹ This disposition is not designated for publication and may not be cited.

1 This Order has been served upon the following persons:

2 Mario Lopez
17361 Lake View Drive
3 Morgan Hill, CA 95037